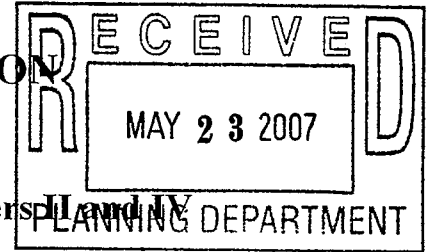


STATEMENT OF JUSTIFICATION

ZMOD 2005-0008

Zoning Modification within Dulles Trade Centers II and IV

May 23, 2007



I. Introduction

Ahmed Maghrabi, Patriot Development Corporation and United Rentals, Inc. (the "Applicants") are the owners of Dulles Trade Center II lots 20 and 21 and Dulles Trade Center IV lot 4 (the "Properties") and are requesting a zoning modification of Section 4-605 (B)(2) of the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") to permit a modification of the yard requirements along the property line adjacent to the Loudoun Valley Estates II and III subdivisions to relieve the impact of the setback regulations on these smaller and environmentally encumbered lots.

II. Project Summary

Dulles Trade Centers II and IV are located west of Dulles International Airport along the western edge of Route 606 where it intersects with Overland Drive. Dulles Trade Center II is zoned Planned Development – General Industry ("PD-GI") and Dulles Trade Center IV is split-zoned PD-GI and Planned Development – Commercial Center – Community Center ("PD-CC (CC)"). Dulles Trade Centers II and IV are located in the Dulles Election District bounded to the north and east by the Loudoun Valley Estates III residential subdivision, zoned PD-GI, and to the north and west by the Loudoun Valley Estates II residential subdivision, zoned PD-H4. All other adjacent properties to the south

and east are zoned PD-GI and planned for industrial uses, as stated in the Revised General Plan (the “RGP”).

The PD-CC (CC) portion of Dulles Trade Center IV is subject to the proffers and concept plan approved with ZMAP 2003-0001, which also included a building and parking setback modification. Dulles Trade Center II is subject to the proffers and concept plan approved with ZMAP 86-12, Broad Run Industrial Park.

The adjacent portions of Loudoun Valley Estates II to the north of the Properties is identified as the Broad Run Stream Valley Park open space area, per the approved concept plan for ZMAP 2002-0011. The adjacent portions of Loudoun Valley Estates III to the north and east of the Properties is comprised of two HOA open space parcels that are wooded and subject to open space easements granted to the County.

III. Proposed Zoning Ordinance Modification

Section 6-1504. Modifications.

The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the Board of Supervisors finds that such

modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.

Zoning Ordinance Requirement to be Modified: Section 4-605 Lot Requirements. (B) Yards. (2) Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.

No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where vehicles in such uses are visible from the said agricultural and residential areas. When a PD-GI lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-GI, the setback required in (B)(3) below shall apply.

Proposed Modification

The Applicants request that the yard requirement be modified for the property lines adjacent to the Loudoun Valley Estates II and III residential subdivisions to allow buildings, outdoor storage, areas for collection of refuse and loading areas to be located as close as 50 feet from the property line and to allow areas for parking to be located as close as 25 feet from the property line.

Justification for Modification

The justification for this modification is based on existing land use policies and the site conditions in the adjacent residential subdivisions.

The adjacent Loudoun Valley Estates III residential subdivision is located in an area designated for industrial uses. This non-conforming residential use mandates an excessive setback from adjacent industrial uses where there would normally be a minimal setback requirement between non-residential uses, typically 15 feet. This additional setback negatively affects the development potential for non-residential uses foreseen for the Route 606 corridor in the RGP.

In addition to the excessive setback that is required between residential and non-residential uses, a substantial forested open space buffer and forested stream valley park separate Dulles Trade Centers II and IV from the adjacent residential subdivisions of Loudoun Valley Estates II and III. These forested open space buffers provide no less

than 300 feet of forested open space between the property lines of the non-residential uses of Dulles Trade Centers II and IV and the residential properties of Loudoun Valley Estates II and III. These forested open space buffers were requested primarily to mitigate any potential impacts that the adjacent non-residential uses may impose upon the proposed residential uses.

IV. Summary

The Properties are zoned PD-GI and located in the prime industrial corridor of Loudoun County. Due to the adjacent residential uses, of which Loudoun Valley Estates III is zoned PD-GI and planned for industrial uses in the RGP, excessive setback requirements are imposed upon the Properties. Given that the adjacent residential subdivisions are located no less than 300 feet across forested open spaces from the Properties, the proposed modifications will not impose any undue hardship on residential properties and will allow for meaningful development of the planned non-residential properties.